

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated August 23, 2007. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-10 are currently pending in the Application. Claims 1, 7 and 9 are independent claims.

In the Office Action, claims 1-9 are provisionally rejected for double patenting under the judicially created public policy as being unpatentable over claims 1-9 of copending Application No. 10/557,668, now issued as U.S. Patent No. 7,267,040. In review of U.S. Patent No. 7,267,040, it is found to relate to a pneumatic brake booster and accordingly is believed unrelated to the pending claims. Accordingly, it is respectfully requested that the double patenting rejection be withdrawn or the proper patent application be identified to provide the Applicants an opportunity to respond.

In the Office Action, the drawings are objected to as allegedly not showing each feature of the claims. Further, claims 1-9 are rejected under 35 U.S.C. §112, second paragraph as allegedly being indefinite. Further, claim 9 is rejected under 35 U.S.C. §101 as allegedly directed to non-statutory subject matter

and claim 3 is objected to for informalities. Without agreeing with the Examiner, and in the interest of advancing prosecution, claims 1-3 and 7-9 are amended including removal of a portion of the claims that are believed to be causing the problems in interpreting the claims. It is respectfully submitted that objection to the figures and claims and the rejection of claims 1-9 under 35 U.S.C. §112, second paragraph and claim 9 under 35 U.S.C. §101 has been overcome and an indication as such is respectfully requested.

Claims 1-3 and 6-9 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 6,470,067 to Harding ("Harding"). Claims 4-5 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Harding in view of U.S. Patent No. 4,096,389 to Ashe ("Ashe"). It is respectfully submitted that claims 1-10 are allowable over Harding and Harding in view of Ashe for at least the following reasons.

In Harding, a diaphragm 31 is shown for creating a fan-shaped beam 41 (see, FIG. 1 and accompanying text in Col. 2, lines 54-58). As clearly shown in Harding, the fan-shaped beam 41 is a diverging beam in a direction perpendicular to the plane of the fan-shaped beam. The diaphragm 31 is apparently a simple slit-opening.

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It is respectfully submitted that the apparatus of Claim 1 is not anticipated or made obvious by the teachings of Harding and Harding in view of Ashe. For example, Harding and Harding in view of Ashe does not disclose or suggest, an apparatus that amongst other patentable elements, comprises (illustrative emphasis provided) "wherein the coherent scatter computer tomography apparatus further comprises a collimator arranged between the source of radiation and the object of interest, wherein the collimator comprises a plurality of collimator portions that collimate the radiation beam in a direction substantially perpendicular to the fan plane" as recited by Claim 1, and as substantially recited by each of Claims 7 and 9.

Based on the foregoing, the Applicants respectfully submit that independent Claims 1, 7 and 9 are patentable over Harding and Harding in view of Ashe and notice to this effect is earnestly solicited. Claims 2-6, 8 and 10 respectively depend from one of Claims 1 and 7 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims.

For example, Harding or Harding in view of Ashe does not disclose or suggest:

"wherein the radiation beam is focused at a focus point by the collimator" as recited in claim 2, in Harding, the beam is diverging as discussed above;

"wherein the collimator is adapted to collimate the radiation beam such that it is focused at a focus point" as recited in claim 3;

"wherein the focusing of the radiation beam at the focus point is performed by deforming the plastic layers by applying inhomogeneous mechanical pressure onto the collimator" as recited in claim 5. While Ashe is cited for showing this element as well as the similar element of claim 4, it is respectfully submitted that reliance on Ashe is misplaced. Ashe in fact teaches spacing materials 30 "designed to contain cavities 34 of low absorption material such as air ... [forming] the same beam path length through the actual spacing material." (see, Col. 10, lines 16-20.); nor

"wherein the second plurality of tapered plastic layers form tapers that vary with respect to each other such that a beam path through one of the collimator portions varies in length with respect to another one of the collimator portions as recited in claim 10 (see, discussion immediately above).

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Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

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